

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**ENTERED**

June 16, 2021

Nathan Ochsner, Clerk

MIGUEL ESPARZA-SALAZAR,
Petitioner.

v.

UNITED STATES OF AMERICA,
Respondent.§
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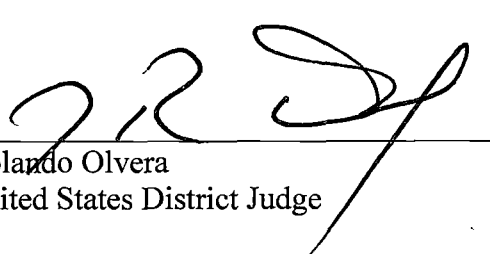
Civil Action No. 1:19-cv-00212

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court are these pleadings: Miguel Esparza-Salazar's ("Petitioner") "Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" ("Motion") (Dkt. No. 1), Respondent's "Memorandum in Opposition to § 2255 Motion" (Dkt. No. 13), Petitioner's "Motion in Opposition to the Government's Response to Petitioner's 28 U.S.C. 2255 Motion" (Dkt. No. 22), and the "Magistrate Judge's Report and Recommendation" ("R&R") (Dkt. No. 23).

The R&R recommends this Court deny Petitioner's Motion, direct the clerk of court to close the case, and decline to issue a certificate of appealability. *See* Dkt. No. 23. Objections were due June 4, 2021.¹ No objections were filed by either party. When no objections are filed to a magistrate judge's ruling, the district court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**. Petitioner's Motion (Dkt. No. 1) is **DENIED**. The Court declines to issue a certificate of appealability. The District Court Clerk is **ORDERED** to close the case.

Signed on this 15th day of June, 2021.

 Rolando Olvera
 United States District Judge

¹ The Magistrate Judge set the objections deadline for May 5, 2021. Petitioner was served the R&R after the deadline passed. *See* Dkt. Nos. 26-27. This Court reset the deadline to June 4. *See* Fed.R.Civ.P. 72(a) (noting the 14-day clock for objections does not start until a party is served the R&R).